

New Mexico Water Law and Drought

Western States Drought Coordinators and
Emergency Managers Meeting

July 21-22, 2015

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of the State Engineer



Presentation Topics

- Brief overview of NM climate
- NM Water Law
- Active Water Resource Management (AWRM)

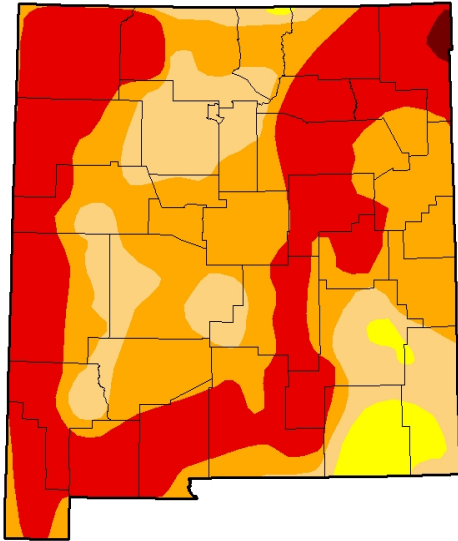
Brief Overview of NM Climate

- New Mexico is semi-arid
 - 20" to 30" in high mountains
 - 8" to 12" of precipitation in lower elevations (most of State)
 - Precip can change quickly
 - Entire state subject to drought

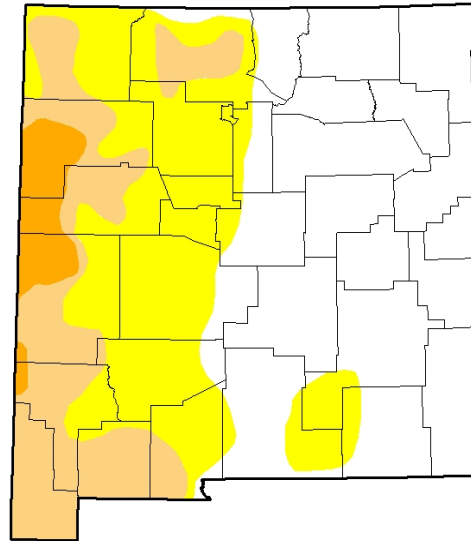


New Mexico Drought

Intensity:



July 15, 2014



July 14, 2015

Rio Grande Conditions



Jan 2013

April 2015



Elephant Butte Reservoir

Pecos Conditions



Sept 2012

Sept 2014



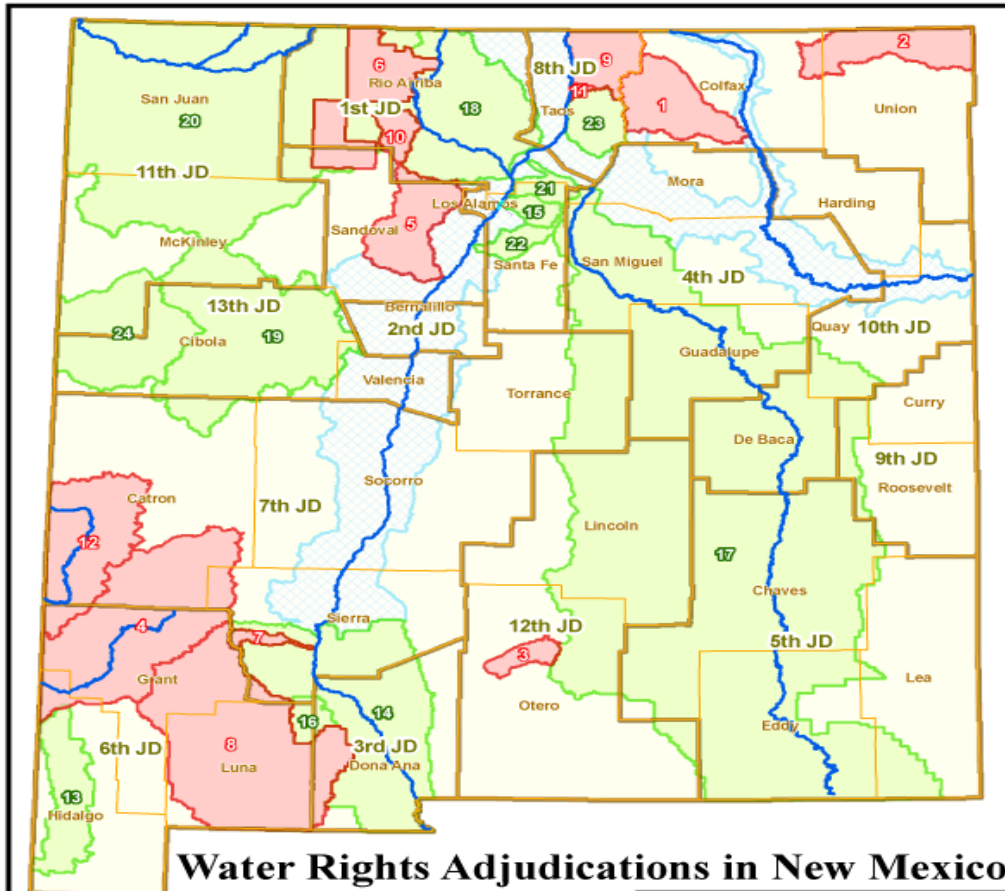
Santa Rosa Reservoir

NM Water Law

- Prior Appropriation
 - Senior water rights
 - Native Americans
 - Acequias
 - Agriculture
 - Junior water rights
 - Municipal
 - Industrial
 - Residential
 - Recreational



New Mexico Adjudications



Completed Adjudications

Number	Name
1	Cimarron / Rayado
2	Dry Cimarron
3	Fresnil / La Luz
4	Gila River
5	Jemez
6	Jicamarca Apache
7	Las Animas Creek
8	Mimbres Basin
9	Red River - Cabresto Creek - West Latin
10	Rio Gallina
11	San Cristobal
12	San Francisco

Active Adjudications

Number	Name
13	Animas Valley Underground
14	Lower Rio Grande
15	Nambe / Pojoaque / Tesuque
16	Nutt - Hockett
17	Recons
18	Rio Chama
19	Rio San Jose
20	San Juan
21	Santa Cruz / Truchas
22	Santa Fe
23	Taos / Hondo / Grande
24	Zuni

Legend

	Major_Stream
	County
	NM Judicial Districts
	Completed Adjudications
	Active Adjudications
	Stream Systems for Future Adjudication

Active Water Resource Management (AWRM)

- **Legislative Intent of AWRM**
- **Legal History of AWRM**
- **Key Elements of AWRM**

Legislative Intent of AWRM

Senate Bill 551 became NM Statute 72-2-9.1:

Section A

- Authority to administer water allocations in accordance with water right priorities recorded with or declared or otherwise available to the State Engineer.

Section B

- The State Engineer shall adopt rules for priority administration to ensure that authority is exercised.

Section C

- The State Engineer shall adopt rules based on the appropriate hydrologic models to promote expedited marketing and leasing of water in those areas affected by priority administration.

Ultimately, Senate Bill 551

Allowed the State Engineer to:

- Provide Water Masters to specific rivers
- Prioritize water administration without adjudication
- Administer water allocation in accordance with the water right priorities recorded with, or declared, or otherwise available to the State Engineer

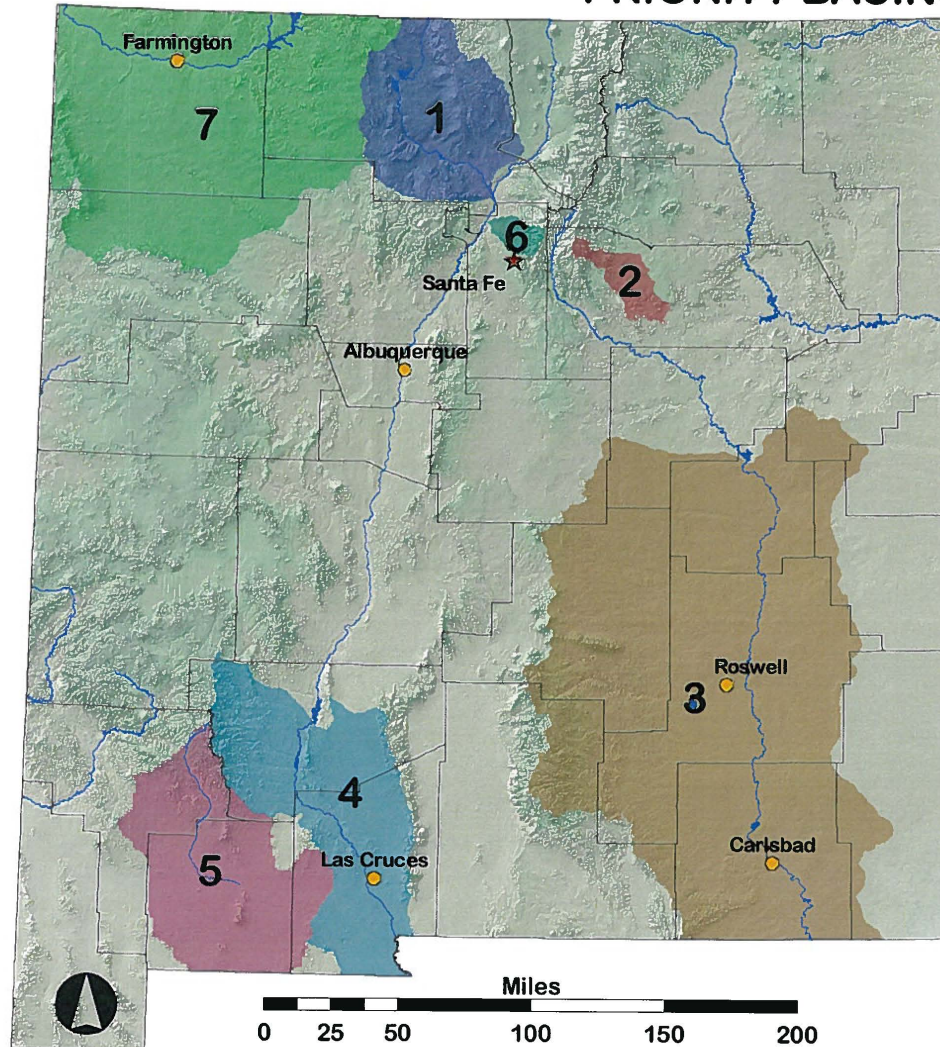
With three conditions:

- Not to interfere with future or pending adjudications.
- Create no impairment of water rights other than what is required to enforce priorities.
- No increase in depletions.

Legal History of *AWRM*

- AWRM in 2004
 - Priority basins
 - Rules
 - Administer water in each individual basin
 - Identify the level of administration that can be implemented – short-term/long-term objectives
- AWRM was challenged in District Court in 2005: Tristate, MRGCD & NMMA
 - Nov 1, 2012 – New Mexico Supreme Court decision

NMOSE Active Water Resource Management PRIORITY BASINS



Legend

- 1-Rio Chama Basin
- 2-Rio Gallinas Basin
- 3-Lower Pecos Basin
- 4-Lower Rio Grande Basin
- 5-Rio Mimbres
- 6-Nambe-Pojoaque-Tesuque Stream System
- 7-San Juan River Basin

November 2006

Key Elements of *AWRM*

- AWRM refers to not just priority administration, but a broad range of activities including
 - Permitting of transfers
 - Monitoring and metering diversions
 - Limiting diversion by existing water rights
 - Water administration

Alternative Administration

- Goal
 - Administration that is based on water sharing agreement among affected water right owners, and that is acceptable to the state engineer. 19.25.13.7 (4)
- Elements
 - Voluntary shortage sharing rotation
 - Other agreements
 - Water banking
 - Water markets
 - Replacement plans

AWRM Accomplishments

- Protects senior water right owners
- Allows our communities to work together to determine how best to share a limited water supply
- Limits diversion of water to the amount authorized by existing water rights
- Establishes Water Masters to measure diversions and ensure water is distributed accurately
- Maximizes the beneficial use of the available water supply

Implementing AWRM in 2015

- Current Activity on AWRM
 - Drafting Basin Specific Rules for the Lower Rio Grande
 - Each priority basin in New Mexico is unique
 - Modeling of effectiveness is key element



Thank you

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